FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3596 OF 2007

Office Notes, Office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr.Macchindra Deshmukh i/by Mr.Vinod Shah for petitioner.

CORAM: B.H. MARLAPALLE,J.

04/05/2007.

P.C.:

. RCS No. 1491 of 2001 was dismissed by the learned Vth Joint Civil Judge, J.D., Thane by judgment and order dated 24/11/2003. Being aggrieved by the said decree / dismissal order, the plaintiff filed Appeal No. 14 of 2004 before the District Court at Thane. The said Appeal was dismissed by the lower Appellate Court vide its judgment and order dated 18/3/2006.

. The petitioner, therefore, has a statutory remedy of filing a Civil Revision Application under Section 115 of C.P.C. and as held by me in

Writ Petition No. 4138 of 2006 vide the order dated 24/8/2006, when such a statutory remedy is available, a Writ Petition under Article 227 of the Constitution need not be entertained.

. Hence, the Writ Petition is disposed as such with liberty to the petitioner to file a Civil Revision Application and if such an application is filed within a period of four weeks from today, the period of pendency of this petition will be taken into consideration for condonation of delay, if any. Annexures be returned, if applied for.

(B.H. Marlapalle,J.)